

ARTICLE 4

ANIMAL CONTROL REGULATIONS

Section	Subject Matter
4-4.01	DEFINITIONS
4-4.05	ENFORCEMENT
4-4.10	KEEPING OF CERTAIN ANIMALS AS CONSTITUTING PUBLIC NUISANCE
4-4.11	UNNECESSARY NOISES
4-4.12	ABANDONMENT
4-4.13	ANIMALS AT LARGE ON PUBLIC PROPERTY
4-4.14	ANIMALS ON PRIVATE PROPERTY
4-4.15	KNOWLEDGE OF BITE - DUTY TO REPORT
4-4.16	BITING ANIMALS TO BE QUARANTINED
4-4.17	ANIMALS DYING WHILE UNDER QUARANTINE
4-4.20	LICENSE REQUIRED
4-4.21	EXEMPTIONS
4-4.22	LICENSE APPLICATION
4-4.23	ANTI-RABIES VACCINATION REQUIRED
4-4.24	TERM OF LICENSE
4-4.25	ISSUANCE OF TAGS AND CERTIFICATES
4-4.26	OWNER TO ATTACH TAG
4-4.27	REMOVAL OF REGISTRATION TAG PROHIBITED

Section	Subject Matter
4-4.28	LOST AND DESTROYED TAG TO BE REPLACED
4-4.29	COUNTERFEIT AND IMITATION TAGS
4-4.30	DOG FANCIER PERMIT
4-4.40	IMPOUNDING OF ANIMALS
4-4.41	STRAY ANIMALS
4-4.42	NOTIFICATION TO OWNER
4-4.43	RECLAIMING ANIMALS
4-4.44	DISPOSITION OF IMPOUNDED ANIMAL
4-4.46	SUMMARY DESTRUCTION
4-4.47	DISPOSITION OF WILD ANIMALS
4-4.50	VICIOUS ANIMALS A PUBLIC NUISANCE
4-4.51	INVESTIGATION AND NOTICE
4-4.52	CONFINEMENT OF ANIMAL
4-4.53	HEARING
4-4.54	FINDINGS, DECISION, AND ORDER
4-4.55	COSTS OF IMPOUNDMENT
4-4.60	FEES AND CHARGES
4-4.70	INFRACTIONS AND MISDEMEANORS

ARTICLE 4

ANIMAL CONTROL REGULATIONS

DEFINITIONS

SEC. 4-4.01 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended:

- a. Animal. "Animal" shall mean any vertebrate, other than human beings, including but not limited to, horse, cow, goat, sheep, dog, cat, and chicken.
- b. At-Large. "At-Large" shall mean the condition wherein an animal is off the premises of its owner and is not under secure restraint by a substantial leash, chain, halter, rope, or rein, not to exceed six (6) feet in length, or is not otherwise under the charge and control of a person competent to keep such animal under effective charge and control. For the purpose of this section, any animal in or upon any vehicle shall be deemed to be on the premises of the operator thereof.
- c. Chief of Police. "Chief of Police" shall mean the chief administrative officer of the Police Department of the City of Hayward, or a duly authorized representative.
- d. City. "City" shall mean the City of Hayward.
- e. Owner. "Owner" shall mean any person, firm, or corporation owning, having an interest in, keeping, or having control, custody, or possession of any animal, or one who knowingly permits an animal to remain on or about the premises occupied by the owner.
- f. Shelter. "Shelter" shall mean any facility designated by the Chief of Police for impoundment of animals.
- g. Vicious Animal. "Vicious animal" shall mean any animal, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior:
 - (1) An unprovoked attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully;
 - (2) An unprovoked attack which results in property damage or in an injury to a person when such person is conducting himself or herself peacefully and lawfully;
 - (3) An unprovoked attack on another animal which occurs on property other than that of the owner of the attacking animal;
 - (4) Any behavior which constitutes a threat of bodily harm to a person when such

person is conducting himself or herself peacefully and lawfully.

For the purposes of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner of an animal when he or she is on such property in the performance of any duty imposed on such person by state or local law, or by the laws or postal regulations of the United States, or when he or she is on such property upon invitation, either express or implied.

ENFORCEMENT

SEC. 4-4.05 ENFORCEMENT AUTHORITY. The Chief of Police and other peace officers shall have the power and duty to enforce in any manner provided by law, the provisions of this Article and other statutes, laws, and ordinances relating to the control of animals. Officers and employees of the City who are not peace officers but whose duties are principally in the field of animal control, shall have the power and duty to enforce the provisions of this Article and other statutes, laws, and ordinances relating to animal control which legally may be enforced by persons other than peace officers, including, but not limited to, the power to arrest pursuant to the provisions of Section 836.5 and other applicable sections of the California Penal Code, as the same now exist or may hereafter be amended.

GENERAL REGULATIONS

SEC. 4-4.10 KEEPING OF CERTAIN ANIMALS AS CONSTITUTING PUBLIC NUISANCE. It shall be unlawful and shall constitute a public nuisance for any person to keep within the limits of the City any animal or combination of animals which unreasonably disturbs the peace and comfort of the inhabitants of the neighborhood in which such animal or combination of animals is kept, or interferes with any person in the reasonable and comfortable enjoyment of life or property, or creates a significant risk of injury to life or property.

SEC. 4-4.11 UNNECESSARY NOISES. It shall be unlawful for a person to keep or permit to remain on any premises within the City any animal or combination of animals that habitually, unnecessarily, and unreasonably disturbs the peace and quiet of any neighborhood or person by howling, barking, crying, baying, crowing, or making any other noise.

SEC. 4-4.12 ABANDONMENT. It shall be unlawful for the owner of any animal to abandon the animal upon any public or private property.

SEC. 4-4.13 ANIMALS AT-LARGE ON PUBLIC PROPERTY. It shall be unlawful for the owner of any animal, other than a cat, to allow or permit such animal, whether licensed or unlicensed, to be or run at-large upon any public property within the City. The provisions of this section shall not apply to:

- a. A guide dog or hearing dog actually in use by a visually impaired or hearing impaired person;
- b. A dog being used for law enforcement purposes by peace officers;
- c. A dog entered in a dog show or field trials and under the charge and control of a

competent person, as long as such dog does not threaten to wrongfully harm or damage or wrongfully harm or damage any person or property;

- d. A dog used to guard, herd, or otherwise work livestock or other farm animals and under the charge and control of a competent person, as long as such dog does not threaten to wrongfully harm or damage any person or property;
- e. Domesticated fowl, such as pigeons and doves, or tamed birds of prey, such as hawks, or other tamed wild birds, such as ravens and parrots, which are allowed to fly freely from time to time and which are trained or expected to return to the person or property of their owner.

SEC. 4-4.14 ANIMALS ON PRIVATE PROPERTY. It shall be unlawful for the owner of an animal, other than a cat, to allow or permit such animal, whether licensed or unlicensed, even though not at-large, to be in or upon private property other than that of the owner, except with the consent of the person in charge of the private property. The provisions of this section shall not apply to:

- a. A guide dog or hearing dog actually in use by a visually impaired or hearing impaired person;
- b. A dog being used for law enforcement purposes by peace officers;
- c. Domesticated fowl, such as pigeons and doves, or tamed birds of prey, such as hawks, or other tamed wild birds, such as ravens and parrots, which are allowed to fly freely from time to time and which are trained or expected to return to the person or property of their owner.

SEC. 4-4.15 KNOWLEDGE OF BITE - DUTY TO REPORT. Whenever any person having charge, control, custody, or possession of any animal has knowledge that such animal has bitten any person or animal or has been bitten by another animal, the person taking care or having charge, control, custody, or possession of such animal shall report said fact immediately to the Chief of Police. The report shall state the name and address of the person or animal bitten, a description of the biting animal, the name and address of the owner of the biting animal, if known, and any other pertinent information as requested by the Chief of Police.

SEC. 4-4.16 BITING ANIMALS TO BE QUARANTINED. Whenever it is shown that any animal has bitten any human being or other animal, or exhibits evidence of rabies, no owner, upon order of the Chief of Police or Alameda County Health Officer, shall fail, refuse, or neglect to quarantine the biting animal or the bitten animal. The quarantine facility will be designated by the Chief of Police or Health Officer and the owner will be responsible for all costs incurred. If the Chief of Police or the Health Officer permits the animal to be home quarantined, the Chief of Police or Health Officer may examine and enter upon all private premises where the quarantined animal is being kept during the confinement period. It shall be unlawful to remove or release such animal until the end of the quarantine period.

SEC. 4-4.17 ANIMALS DYING WHILE UNDER QUARANTINE. The head of an animal which has died while under quarantine shall be submitted to the laboratory of the Alameda County Health Department for examination for rabies.

DOG REGULATIONS

SEC. 4-4.20 LICENSE REQUIRED. Every owner of a dog found within the City shall procure a dog license and tag for each dog which is four (4) months of age or older. Every owner of any dog which is brought into the City and thereby becomes subject to licensing as herein above provided, shall procure a dog license and tag for each such dog within thirty (30) days after such dog becomes subject to said licensing. Said license and tag shall be retained and shall be renewed annually or biennially thereafter, as provided in Section 4-4.24 of this Article, as long as the dog is required to be licensed hereunder.

SEC. 4-4.21 EXEMPTIONS. The provisions of this Article relating to licensing do not apply to dogs found within the City under any of the following conditions:

- a. When the dog is owned by, or in the care of, any person who is a nonresident, or who is traveling through the City, or who is temporarily sojourning therein for a period not exceeding thirty (30) days.
- b. When the dog is brought into the City and kept therein for a period not exceeding thirty (30) days for the exclusive purpose of entering the dog in any bench show, dog exhibition, field trial, or competition.
- c. When the dog is brought or sent into the City for the exclusive purpose of receiving care in any veterinary hospital.
- d. When the dog has a valid license from either the County of Alameda or any other City in said County.
- e. When the dog is being trained as a guide dog for the visually impaired or hearing dog for the hearing impaired, by a person holding a valid license to train such dogs issued pursuant to Chapter 9.5 of Division 3 of the Business and Professions Code of the State of California, as same now exist or may hereafter be amended.
- f. When a dog is being used for law enforcement purposes by peace officers.

SEC. 4-4.22 LICENSE APPLICATION. The person required to obtain a dog license as provided herein shall apply for a dog license to the Chief of Police and shall pay the fees and penalties, if any, as specified by resolution of the City Council in accordance with Section 4-4.60. Application shall be made upon a printed form which shall be supplied by the City, and the owner shall provide on such application the owner's name and address, a telephone number, if one is available, and the name, breed, color, age, and sex of the dog for which application is made.

SEC. 4-4.23 ANTI-RABIES VACCINATION REQUIRED. As a condition for the issuance of a license all applicants for such license shall procure and display to the Chief of Police a certificate issued by a duly licensed veterinarian certifying that the dog to be licensed has been administered an anti-rabies vaccination sufficient to immunize said dog against rabies for the current license period.

SEC. 4-4.24 TERM OF LICENSE. In order to coincide with the rabies vaccination period, the effective period of each dog license issued shall be for a one (1) or a two (2) year period from the date of issuance, at the option of the owner, provided that all conditions required for issuance of a license, as required by this Article are complied with and that all fees, charges, and penalties required pursuant to Section 4-4.60 are paid.

SEC. 4-4.25 ISSUANCE OF TAGS AND CERTIFICATES. A metallic tag and license certificate with corresponding number shall be furnished by the Chief of Police upon payment of the appropriate fee.

SEC. 4-4.26 OWNER TO ATTACH TAG. The Chief of Police shall keep a record of the name of such owner or person making payment of said license fee and to whom a certificate and tag shall have been issued and the number and date of such certificate and such tag. Whenever a dog is off the premises of its owner, such metal tag issued shall be securely fixed to a collar, harness, or other secure device to be worn at all times by the dog for whom the registration is issued.

SEC. 4-4.27 REMOVAL OF REGISTRATION TAG PROHIBITED. It shall be unlawful for anyone other than an owner or the Chief of Police to remove from any dog any collar, harness, or other secure device to which is attached a registration tag for the current year, or to remove such tag therefrom.

SEC. 4-4.28 LOST AND DESTROYED TAG TO BE REPLACED. If the dog license tag is lost or destroyed, the owner shall within seven (7) days procure a new duplicate license tag from the Chief of Police.

SEC. 4-4.29 COUNTERFEIT AND IMITATION TAGS. It shall be unlawful for a person to imitate or counterfeit the tags prescribed by this Article or possess any imitation or counterfeit tags.

SEC. 4-4.30 DOG FANCIER PERMIT. No more than four (4) dogs four (4) months of age or older can be kept on any property unless a Dog Fancier Permit is obtained from the Chief of Police. An application for a Dog Fancier Permit shall be made upon a form which shall be supplied by the City. The Dog Fancier Permit is required in addition to the individual licensing of each dog.

The issuance of the Dog Fancier Permit shall take place on an annual basis only after inspection of the property described in the application and upon payment of the fee established by resolution of the City Council in accordance with Sec. 4-4.60. The Chief of Police may require the installation and maintenance of such structures, fences, and enclosures as he deems necessary to provide a humane environment for the number and kind of dogs to be kept on the premises and to protect neighboring property owners from the negative impacts that are reasonably foreseeable from the number and kind of dogs to be kept. Violation of any condition of approval of a Dog Fancier Permit shall result in revocation of the permit following the notice and hearing procedure set forth in Sections 4-4.51, 4-4.53, and 4-4.54.

IMPOUNDING AND DESTRUCTION OF ANIMALS

SEC. 4-4.40 IMPOUNDING OF ANIMALS. It shall be the duty of the Chief of Police to take, impound, and safely keep:

- a. Any animal found running at-large or upon any property contrary to the provisions of this Article;
- b. Any animal, domestic or wild, which is sick, injured, or abandoned and found on any public property; or

- c. Any animal found in a public place when it is determined to be reasonable and proper to do so in order to protect persons or property or to preserve public order.

SEC. 4-4.41 STRAY ANIMALS. Every person taking custody of:

- a. Any animal found running at-large or upon any property contrary to the provisions of this Article; or
- b. Any animal, domestic or wild, which is sick, injured, or abandoned and found on any public property;
- c. Any cat, domestic or wild, by means of trapping or and other method of impounding;

shall within eight (8) hours of taking custody give notice to the Chief of Police of the following:

- a. The fact that such an animal has been taken into possession;
- b. A complete description of the animal including collar and I.D. or rabies tag if any;
- c. The license number of the animal, if any, and by what public agency issued. If the animal has no license, the person shall so state; and
- d. The place where the animal was found and where it will be confined.

Any person who takes such an animal into custody or in whose custody such an animal is placed, may deliver the animal to the shelter without fee or charge; and the Chief of Police shall thereupon hold and dispose of the animal in the same manner as though the animal had been found and impounded by him.

SEC. 4-4.42 NOTIFICATION TO OWNER. Immediately upon impoundment of any animal the Chief of Police shall make every reasonable effort to notify the owner of such animal impounded and to inform such owner of the conditions to be met in order to regain custody of such animal. If the animal is a dog and has a valid license, the owner shall be notified in writing and, if possible, by telephone. Written notice may be served upon the person to be notified by personal service, by delivery at the address set forth in the records of the City or as otherwise known to the Chief of Police, or by first class mail sent to the address set forth in the records of the City or as otherwise known to the Chief of Police.

SEC. 4-4.43 RECLAIMING ANIMALS. The owner of any impounded animal shall have the right to reclaim the animal at any time prior to the lawful disposition thereof upon payment of the fees and charges authorized by Section 4-4.60 provided that the animal is not quarantined pursuant to Section 4-4.16 nor impounded or confined while a hearing for abatement of a public nuisance is pending pursuant to Section 4-4.53 nor the subject of other legal proceedings.

SEC. 4-4.44 DISPOSITION OF IMPOUNDED ANIMAL. Animals impounded shall be provided with sufficient food and water and veterinary care, if needed. Unless unlicensed animals shall have been reclaimed within five (5) days (exclusive of Saturdays, Sunday, and Holidays) after being impounded, or licensed animals, shall have been reclaimed within ten (10) days (exclusive of Saturdays, Sundays, and Holidays) after notification provided for in Sec. 4-4.42, the Chief of Police shall have the option of putting the animal up for adoption for the fees and charges as authorized by Section 4-4.60 provided that the purchaser shall not be given possession of

any animal until the purchaser shall have paid the license fee and any other charges prescribed for such animal; and provided further, that in the case of a dog, the purchaser shall, within thirty (30) days, have said dog vaccinated against rabies as required by and otherwise comply with the provisions of Sec. 4-4.23.

If any animal impounded shall not have been reclaimed within said period and cannot be adopted, it may be destroyed by the Chief of Police in a humane manner. In lieu of destruction, the Chief of Police may release animals without charge to any humane organization that provides an animal adoption service. The Chief of Police shall maintain adequate and current records for each animal under impoundment. Said records shall include a description of the animal, the nature of impoundment, apparent health status upon impoundment, date and location of impoundment, dates of medical examination and treatment, certifications by veterinarian, name, address, and telephone number of person or humane organization released to, and date, location, and method of disposition.

SEC. 4-4.46 SUMMARY DESTRUCTION. The Chief of Police may, without waiting for the holding periods to elapse, cause any impounded animal to be destroyed when a veterinarian, licensed to practice in the State of California, has determined, by physical examination, that such animal is unfit for further use or when the Chief of Police has reasonably determined, after consulting with a veterinarian, licensed to practice in the State of California, that such animal is unfit for further use by reason of its having been injured or having become infected with a dangerous or communicable disease. Nothing in this Article shall prohibit a Police Officer or Animal Control Officer of the City from carrying out his duties as prescribed in Section 597f of the California Penal Code.

SEC. 4-4.47 DISPOSITION OF WILD ANIMALS. The foregoing provisions relating to the notification of an owner prior to impoundment or to the disposition of impounded animals shall not apply to the impounding and disposition of wild animals of a kind which are not ordinarily domesticated and which do not appear to have an owner. In such cases the Chief of Police may summarily dispose of such animals in any manner provided by laws of the State of California or the United States of America, and if there is no applicable law, in any manner determined by the Chief of Police to be proper, including, but not limited to, summary destruction.

VICIOUS ANIMALS

SEC. 4-4.50 VICIOUS ANIMALS A PUBLIC NUISANCE. The presence in the City of an animal which is in fact vicious, or which is presumed vicious under the definition set forth in Section 4-4.01 g., shall constitute a public nuisance and may be abated as such by the procedures set forth in Section 4-4.51 through 4-4.55. The procedures described shall be cumulative and in addition to any other procedure provided in regulations of the City or in laws of the State of California for abatement of any of the conditions described herein, and abatement hereunder shall not produce or affect any other action, civil or criminal, or the exercise of a remedy thereunder, for the maintenance of any such condition.

SEC. 4-4.51 INVESTIGATION AND NOTICE. Any animal quarantined pursuant to Section 4-4.16 for biting a human being or other animal and any incident reported to the Chief of Police concerning a vicious animal may be investigated. If, based upon the investigation, it is concluded there is probable cause to believe that the animal is vicious, the owner shall be notified in writing of the determination that the animal is vicious within five (5) days of the making of the determination.

Notice of the determination that an animal is vicious shall include notice of the right of the owner to a hearing as to whether the animal is vicious and a public nuisance, and if so found, what measures will be taken to abate the public nuisance. Notice shall be given in writing by first class mail in substantially the following form:

NOTICE REGARDING VICIOUS ANIMAL

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Article 4 of Chapter 4 of the Hayward Municipal Code, it has been determined that there is probable cause to believe that you have an interest in, or have control or custody or possession of, or are keeping that certain animal described below, and that said animal is a vicious animal.

[Description of Animal and Facts Giving
Rise to Notice]

FURTHER NOTICE IS HEREBY GIVEN that you have a right, within seven (7) working days of the date of this notice, to request a hearing before an animal control supervisor or other hearing officer as designated by the Chief of Police as to whether the animal is vicious and a public nuisance, and if found to be vicious and a public nuisance, what measures will be taken to abate the public nuisance. The hearing officer will consider the written reports from the undersigned and other oral and documentary evidence in making a decision. You and other interested parties may present written and oral evidence at the hearing.

If you do not request a hearing the determination that the animal is a vicious animal and therefore a public nuisance will stand, and the hearing officer may issue such orders as deemed necessary for abatement of the public nuisance. Abatement may include, but not be limited to, confinement, fencing, muzzling, leashing, or destruction.

Dated:

Animal Control Officer
City of Hayward
Telephone No.

SEC. 4-4.52 CONFINEMENT OF ANIMAL. If there is probable cause to believe that an animal is vicious and the owner is notified of the determination that the animal is vicious, the owner shall insure the protection of the public health, safety, and welfare by securely confining the animal at an animal shelter approved by the Chief of Police. The confinement shall continue pending the decision of the hearing officer following the hearing provided for in Section 4-4.53. All costs incurred as a result of the confinement shall be the sole responsibility of the owner of the animal.

SEC. 4-4.53 HEARING. An owner notified pursuant to Section 4-4.51 that there is probable cause to believe an animal is a vicious animal shall have the right to request a hearing by an

animal control supervisor or other hearing officer as designated by the Chief of Police. The request for a hearing shall be made within seven (7) working days of the date of the notice and the hearing shall be held within fifteen (15) days of the request.

The owner of the animal and other interested parties shall be heard and may present both oral and documentary evidence. Evidence that establishes that an animal has demonstrated any of the types of behavior set forth in Section 4-4.01 g. shall result in a rebuttable presumption that the animal is a vicious animal.

The hearing officer shall not be bound by the common law or statutory rules of evidence and procedure, and shall make such inquiry and conduct the hearing in a manner which is best calculated to ascertain the substantial rights of the public and of the owner. A hearing may be continued, if necessary, but not beyond fifteen (15) days after the initial hearing date.

SEC. 4-4.54 FINDINGS, DECISION, AND ORDER. Within five (5) working days of the conclusion of the hearing, the hearing officer shall make findings in writing and render a decision, which shall be final when issued, on whether the animal is a vicious animal and a public nuisance. If the hearing officer determines the animal is vicious and a public nuisance exists, the hearing officer shall issue written orders for abatement of the public nuisance. Abatement, as determined to be necessary and reasonable in a given case, may include, but not be limited to:

- a. Confinement;
- b. Fencing;
- c. Muzzling;
- d. Leashing;
- e. Posting of warning signs;
- f. Providing proof of public liability insurance;
- g. Destruction.

A copy of the findings, decision, and order shall be delivered personally to the owner or sent by registered mail, return receipt requested, to the owner at the last known address.

SEC. 4-4.55 COSTS OF IMPOUNDMENT. If the hearing officer finds the animal is vicious, the City incurred costs of impoundment, and when applicable, abatement, shall be assessed to and be the responsibility of the owner and shall constitute a debt owed to the City. A statement of costs shall be sent to the owner in conjunction with the findings, decision, and order. Costs shall be due and payable within thirty (30) days after the mailing or personal delivery of the findings, decision, order, and cost statement. If costs assessed are not paid upon becoming due and payable, they may be collected in any manner in which any other debt owed to the City may be collected.

If the order includes the release of an animal found to be vicious to the owner or some other person, the animal shall not be released until such costs have been paid in full. If such costs have not been paid within thirty (30) days after the mailing or personal delivery date of the order, the Chief of Police may order the animal disposed of in any manner provided by law.

FEES AND CHARGES

SEC. 4-4.60 FEES AND CHARGES. The fees and charges for dog licenses, animal shelter services in impounding and caring for animals, disposition and redemption, and other services furnished by the Hayward Police Department shall be those specified from time to time by resolution of the Hayward City Council, and the Chief of Police shall charge, receive and collect same.

PENALTIES

SEC. 4-4.70 INFRACTIONS AND MISDEMEANORS. The violation of one or more provisions of this Article shall constitute a public offense and shall be punishable as follows:

- a. The violation of any of the provisions of Sections 4-4.10 through 4-4.17, 4-4.20, 4-4.22, 4-4.23, or 4-4.26 through 4-4.30 inclusive shall constitute an infraction. The owner of any animal, other than an animal assisting a peace officer engaged in law enforcement duties, which bites or attacks a person when such person is conducting himself or herself peacefully and lawfully shall be guilty of an infraction.

Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code Section 36900.

- b. The violation of any of the provisions of Section 4-4.52 or of any order issued for the abatement of a public nuisance issued pursuant to Section 4-4.54 shall constitute a misdemeanor.

Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.